

Applicant: Botstein, et al.

Docket No.: 39780-2730P1C11

Serial No.: 09/993,687

Group Art Unit: 1646

Filing Date: November 14, 2001

Examiner: Kemmerer, Elizabeth

For:

**SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND  
NUCLEIC ACIDS ENCODING THE SAME**

**EXPRESS MAIL LABEL NO. EV 582 624 525 US**

**Date Mailed: June 29, 2006**

**PRELIMINARY AMENDMENT**

**MS: RCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

On September 7, 2005, the Examiner made a final rejection to pending Claims 119-126 and 129-131. A Notice of Appeal was filed on December 6, 2005, and Applicants' Appeal Brief was filed February 7, 2006.

Applicants submit herewith is a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application. This Amendment is being timely filed requesting no extension of time. Applicants' arguments presented in the previously filed Appeal Brief and Reply Brief are incorporated herewith in their entirety.

This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

**Pending Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.